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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/685,701	**Applicant(s)** CHUNG ET AL.	
	Examiner Jason Thomas	**Art Unit** 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2008*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-9* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *16 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☒ All b)☐ Some * c)☒ None of:
    1.☒ Certified copies of the priority documents have been received.
    2.☒ Certified copies of the priority documents have been received in Application No. 10/685,701.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pgs. 2-8, filed July 1st, 2008, with respect to the rejections of claims 1, 4, 5 and 9 under 35 U.S.C. Section 102(b) and claims 2-3, 7-8, 11-13 and 16-18 under 35 U.S.C. Section 103(a), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Lamkin et al., U.S. Pat. No. 7,346,920 B2, Hirose et al., U.S. Pat. No. 6,973,619 B1, Perlman et al., U.S. Pat. No. 6,141,693, and Hodgkinson, U.S. Pre- Grant Pub. No. 2002/0126142 A1.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-14 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-14 and 18 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

3. Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In light of applicant's specification: pg. 15, para. 71, a "computer readable medium" could be identified as a carrier wave, which includes data in a modulated data signal or other transport mechanism. As such it is neither a process, ("actions"), machine, manufacture nor composition of matter (i.e., a tangible "thing") and therefore dose not fall within one of the four statutory categories of section 101. Rather, a "medium" when defined as a carrier wave is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10, 12, 13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al., U.S. Pat. No. 7,346,920 B2, (hereinafter Lamkin), in view of Hirose et al., U.S. Pat. No. 6,973,619 B1, (hereinafter Hirose), Perlman et al., (U.S. Pat. No. 6,141,693, (hereinafter Perlman), Nielsen, U.S. Pat. No. 5,897,644, (hereinafter Nielsen) and Hodgkinson, U.S. Pre- Grant Pub. No. 2002/0126142 A1, (hereinafter Hodgkinson).

Regarding claim 1: Lamkin discloses a method of displaying an interactive picture using a markup document and audio and/or video (AV) data (see [col. 5, ll. 44-59], [col. 7, ll. 62-67] for providing enhanced video by using audio/video data and a markup document to enable a more interactive and personalized experience when playing the DVD-Video/Audio).

Lamkin however does not teach obtaining device-aspect-ratio information corresponding to the markup document; obtaining a markup picture from the markup document according to the device-aspect- ratio information; obtaining an AV picture from the AV data; and displaying the interactive picture including combining the AV picture and the markup picture.

Hirose teaches obtaining information which describes a device used to display visual information (terminal or device with screen) to provide the criteria needed for obtaining a display of a markup document according to the capabilities of the device (see [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for obtaining information about the attributes of a terminal which include the screen size,

aspect ratio and number of colors, which are used to determine the best markup picture to be sent for viewing on the device).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to reference information used to describe a device used to display markup information, as taught in Hirose, when providing a storage medium which contains markup information to add an interactive and personalized experience, as taught in Lamkin, because due to the use differing terminal devices such as PDAs, PCs, TVs or other types of devices with varying sizes used to receive and display markup documents, there is a need for outputting markup documents in a form adapted to the various attributes of each unique device (see [col. 1, ll. 1-16]).

Pearlman teaches obtaining an AV picture from a media stream (see [col. 6, ll. 57-61] where MPEG is capable of AV data) and conversion of a video stream or video file which requires modifying the scale and aspect ratio to conform to the hardware and software capabilities of the video display device (see [col. 6, ll. 30-42], [cols. 8-9, ll. 55-2]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform video data from a media stream according to an aspect ratio best suited for a video display device, as taught in Perlman, when having gather information on the aspect ratio of a display device, as taught in Hirose, because sometimes it’s necessary to rescale a video image in one or both dimensions in order to conform the video image optimally to a particular type of display device (see [cols. 8-9, ll. 55-2]).

Nielsen teaches a markup document which includes aspect ratio information within the document which can be used in a decision procedure to determine if the markup picture needs it's dimensions adjusted to fit a specific area as indicated by the size of a display device (see [cols. 6-7, ll. 63-53] for attributes within a HTML markup which define an aspect ratio and fitting the canvas, or markup picture).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include an aspect ratio within the markup document, as taught in Nielsen, when providing a means of determining how to best output a markup document where the determination is made based on the display attributes, as taught in Hirose, because this is another way to have information available within the markup document to reference such that a determined can be made, based on display device information, regarding the proper output of the markup document (see [col. 7, ll. 47-53]).

Hodgkinson teaches combining the AV picture and the markup picture (see [abstract], [18], [26] for embedding a AV data within a markup document to be accessed and combined with the markup picture).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide a means of embedding video within a markup document to be played within the markup picture, as taught in Hodgkinson, when providing an enhanced DVD that provides an interactive picture, as taught in Lamkin, because it is well known in the art to allow video to be embedded in markup documents (see [3]).

Regarding claim 2: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the obtaining of the device-aspect-ratio information comprises reading information on an aspect ratio of a target display device intended to display the markup document in an interactive mode (see Hirose [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for obtaining information about the attributes of a terminal which include the screen size, aspect ratio and number of colors).

Regarding claim 3: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the obtaining of the device-aspect-ratio information comprises reading information on an aspect ratio of a target display device intended to display the markup document in an interactive mode according to a design of a markup document maker (see Nielsen [abstract], [col. 3, 29-37] for maintaining a page layout similar to that of the original).

Regarding claim 4: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the obtaining of the device-aspect-ratio information comprises parsing the device-aspect-ratio information which is written in the markup document using a property of a tag (see Nielsen [col. 7, ll. 1-12] for aspect ratio information referenced using a tag).

Regarding claim 5: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the obtainment of the markup picture comprises transforming a source markup picture into the markup picture with a predetermined aspect ratio according to the device-aspect-ratio information, the source markup picture being obtained from the markup document (see Hirose [fig. 12], [abstract], [col. 2, ll. 59-63] for a method for generating control information to display a markup document in a form adapted to a display device with a pre-defined aspect ratio; see also Nielsen [abstract], [cols. 10-11, ll. 57-4] where markup document contains aspect ratio information within the markup document; see also Perlman [col. 6, ll. 30-42] where a markup picture is modified according to scale and aspect ratio to meet the display device's capabilities).

Regarding claim 6: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the obtainment of the markup picture comprises transforming a source markup picture into the markup picture with an aspect ratio of 4:3 or 16:9 according to the device-aspect-ratio information, the source markup picture being obtained from the markup document (see Hirose [fig. 12], [abstract], [col. 2, ll. 59-63], [col. 3, ll. 59-67] for displaying a markup picture which is generated from a source code in a form adapted to a terminal’s aspect ratio which can be 4:3, 16:9 in addition to other common aspect ratios; see Nielsen [col. 7, ll. 1-53] where the markup code can be the source of a markup picture which is resized after a determination that the dimensions need adjustment to fit a desired dimension; see also Perlman [col. 6, ll. 30-42] where a markup picture is modified according to scale and aspect ratio to meet the display device's capabilities).

Regarding claim 7: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the obtainment of the markup picture comprises scaling a source markup picture to output the markup picture corresponding to the device- aspect-ratio information in response to information on an aspect ratio of a destination device being different from the device-aspect-ratio information, the destination device substantially displaying the markup document and the source markup picture being obtained from the markup document (see Hirose [fig. 12], [abstract], [col. 2, ll. 59-63], [col. 3, ll. 59-67] for displaying a markup picture which is generated from a source code in a form adapted to a device’s aspect ratio; see Nielsen [col. 7, ll. 1-53] a markup picture can be resized after a determination that the dimensions need adjustment to fit a desired dimension; see also Perlman [col. 6, ll. 30-42] where a markup picture is modified according to scale and aspect ratio to meet the display device's capabilities).

Regarding claim 8: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 7, wherein the destination device is a television monitor (see Hirose [col. 1, ll. 1-16] for a TV display screen).

Regarding claim 9: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the device-aspect-ratio information is included in the markup document (see Hirose [fig. 12], [col. 3, ll. 59-67], [abstract] for gathering information to generate a display control information so as to display in a form adapted to a display device; see Nielsen [col. 7, ll. 1-13] for including aspect ratio information within the markup document).

Regarding claim 10: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 1, wherein the displaying of the interactive picture further includes obtaining embedding information included in the markup document to combine the AV picture with respect to the markup picture (see [abstract], [18], [26] for embedding a AV data within a markup document to be accessed and combined with the markup picture).

Regarding claim 12: Lamkin discloses a method of processing a markup document in an interactive mode (see [abstract], [col. 5, ll. 44-59], [col. 7, ll. 62-67] where by processing a markup document with the ability to activate firmware on a client device to access media content in addition to it's combination with AV data a richer more interactive and personalized experience is provided to customers).

Lamkin however does not teach determining whether device-aspect-ratio information is included in the markup document, the device-aspect-ratio information being data including information on an aspect ratio of a target display device intended to display the markup document in the interactive mode; and processing the markup document according to the device-aspect-ratio information in response to the device-aspect-ratio information being included in the markup document.

Nielsen teaches processing a markup document by determining if aspect ratio information is included in the markup document such that if it is included it processes the markup document in accordance with the aspect ratio information (see [col. 7, ll. 1-25]).

At the time the information was made, it would have been obvious to one of ordinary skill in the art to determine if information pertaining to the proper display of the markup document is within the markup document, as taught in Nielsen, when providing a means of processing a markup document to display information in an interactive mode, as taught in Lamkin, because it is important to maintain a page layout similar to that of the original (see [abstract]).

Nielsen does not teach wherein this aspect ratio information is aspect ration information which is the aspect ratio of a destination device.

Hirose teaches gathering information which describes a device used to display visual information (terminal or device with screen) to provide criteria for the display of a markup document (see [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for obtaining information about the attributes of a terminal which include the screen size, aspect ratio and number of colors).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to maintain a device-aspect-ratio attribute which corresponds to a particular display device, as taught in Hirose, within a markup document as a preferred aspect ratio or along with the non-standard aspect ratio, as taught in Nielsen, because by locating the device-aspect-ratio within the markup document, just as the document aspect ratio is maintained within the markup document it will be possible to output markup documents in a form adapted to the various attributes of each unique device (see [col. 1, ll. 1-16]).

Regarding claim 13: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the method of claim 12, wherein the processing of the markup document includes: transforming a source markup picture obtained from the markup document according to the device-aspect-ratio information in response to information on an aspect ratio of a destination device displaying the markup document being different from the device-aspect-ratio information (see Hirose [fig. 12], [abstract], [col. 2, ll. 59-63], [col. 3, ll. 59-67] for displaying a markup picture which is generated from a source code in a form adapted to a device's aspect ratio; see Nielsen [col. 7, ll. 1-53] where a markup picture is resized after a determination that the dimensions need adjustment to fit a desired dimension; see also Perlman [col. 6, ll. 30-42] where a markup picture is modified according to scale and aspect ratio to meet the display device's capabilities); and outputting the source markup picture as is in response to the information on the aspect ratio of the destination device corresponding to the device-aspect-ratio information (see Nielsen [col. 7, ll. 1-33] where if a markup document with a set dimension fits within the area available, the function ends and it is left as is; see also Hirose [abstract], [col. 3, ll. 59-67] where the adaptation criteria is based on the aspect ratio of the display device).

Regarding claim 15: Lamkin discloses a computer readable medium encoded with operating instructions for implementing a method of displaying an interactive picture using a markup document and audio video (AV) data, performed by a computer (see Lamkin [col. 5, ll. 44-56], [col. 7, ll. 50-61] where software is used to make the operation possible).

Lamkin however, does not teach the method comprising: obtaining device-aspect-ratio information corresponding to the markup document; obtaining a markup picture from the markup document according to the device-aspect- ratio information; obtaining an AV picture from the AV data; and displaying the interactive picture including combining the AV picture and the markup picture.

Hirose teaches obtaining information which describes a device used to display visual information (terminal or device with screen) to provide the criteria needed for obtaining a display of a markup document according to the capabilities of the device (see [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for obtaining information about the attributes of a terminal which include the screen size,

aspect ratio and number of colors, which are used to determine the best markup picture to be sent for viewing on the device).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to reference information used to describe a device used to display markup information, as taught in Hirose, when providing a storage medium which contains markup information to add an interactive and personalized experience, as taught in Lamkin, because due to the use differing terminal devices such as PDAs, PCs, TVs or other types of devices with varying sizes used to receive and display markup documents, there is a need for outputting markup documents in a form adapted to the various attributes of each unique device (see [col. 1, ll. 1-16]).

Nielsen teaches a markup document which includes aspect ratio information within the document which can be used in a decision procedure to determine if the markup picture needs it's dimensions adjusted to fit a specific area as indicated by the size of a display device (see [cols. 6-7, ll. 63-53] for attributes within a HTML markup which define an aspect ratio and fitting the canvas, or markup picture).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include an aspect ratio within the markup document, as taught in Nielsen, when providing a means of determining how to best output a markup document where the determination is made based on the display attributes, as taught in Hirose, because this is another way to have information available within the markup document to reference such that a determined can be made, based on display device information, regarding the proper output of the markup document (see [col. 7, ll. 47-53]).

Hodgkinson teaches obtaining an AV picture from AV data and displaying the picture including combining the AV picture and the markup picture (see [abstract], [18], [26] for embedding a AV data within a markup document to be accessed and combined with the markup picture).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide a means of embedding video within a markup document to be played within the markup picture, as taught in Hodgkinson, when providing an enhanced DVD that provides an interactive picture, as taught in Lamkin, because it is well known in the art to allow video to be embedded in markup documents (see [3]).

Regarding claim 16: Lamkin discloses a computer readable medium encoded with operating instructions for implementing a method of processing a markup document in an interactive mode, performed by a computer (see Lamkin [col. 5, ll. 44-56], [col. 7, ll. 50-61] where software is used to make the operation possible).

Lamkin however does not teach determining whether device-aspect-ratio information is included in the markup document, the device-aspect-ratio information being data including information on an aspect ratio of a target display device intended to display the markup document in the interactive mode; and processing the markup document according to the device-aspect-ratio information in response to the device-aspect-ratio information being included in the markup document.

Nielsen teaches processing a markup document by determining if aspect ratio information is included in the markup document such that if it is included it processes the markup document in accordance with the aspect ratio information (see [col. 7, ll. 1-25]).

At the time the information was made, it would have been obvious to one of ordinary skill in the art to determine if information pertaining to the proper display of the markup document is within the markup document, as taught in Nielsen, when providing a means of processing a markup document to display information in an interactive mode, as taught in Lamkin, because it is important to maintain a page layout similar to that of the original (see [abstract]).

Nielsen does not teach wherein this aspect ratio information is aspect ration information which is the aspect ratio of a destination device.

Hirose teaches gathering information which describes a device used to display visual information (terminal or device with screen) to provide criteria for the display of a markup document (see [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for obtaining information about the attributes of a terminal which include the screen size, aspect ratio and number of colors).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to maintain a device-aspect-ratio attribute which corresponds to a particular display device, as taught in Hirose, within a markup document as a preferred aspect ratio or along with the non-standard aspect ratio, as taught in Nielsen, because by locating the device-aspect-ratio within the markup document, just as the document aspect ratio is maintained within the markup document it will be possible to output markup documents in a form adapted to the various attributes of each unique device (see [col. 1, ll. 1-16]).

Regarding claim 17: The combined teachings of Lamkin, in view of Hirose, Perlman, Nielsen and Hodgkinson, teach the computer readable medium of claim 38, wherein the processing of the markup document includes: transforming a source markup picture obtained from the markup document according to the device-aspect-ratio information in response to information on an aspect ratio of a destination device displaying the markup document being different from the device-aspect-ratio information (see Hirose [fig. 12], [abstract], [col. 2, ll. 59-63], [col. 3, ll. 59-67] for displaying a markup picture which is generated from a source code in a form adapted to a device's aspect ratio; see Nielsen [col. 7, ll. 1-53] where a markup picture is resized after a determination that the dimensions need adjustment to fit a desired dimension; see also Perlman [col. 6, ll. 30-42] where a markup picture is modified according to scale and aspect ratio to meet the display device's capabilities); and outputting the source markup picture as is in response to the information on the aspect ratio of the destination device corresponding to the device-aspect-ratio information (see Nielsen [col. 7, ll. 1-33] where if a markup document with a set dimension fits within the area available, the function ends and it is left as is; see also Hirose [abstract], [col. 3, ll. 59-67] where the adaptation criteria is based on the aspect ratio of the display device).

Regarding claim 18: Lamkin discloses a method in a computer system to process audio video (AV) data in an interactive mode using a markup document computer (see Lamkin [col. 5, ll. 44-56], [col. 7, ll. 50-61], [col. 7, ll. 62-67] where software is used to make the operation possible to provide enhanced, rich and interactive entertainment experience) the method comprising: controlling an AV playback engine to obtain a video picture of the AV data; and controlling an enhanced audio and video (ENAV) engine (see [col. 4, ll. 57-67], [col. 5, ll. 44—9], [col. 7, ll. 50-67] for a enhanced AV engine capable of obtaining AV data from a DVD for playing back enhanced AV stored on the DVD).

Lamkin however, does not teach transforming a markup picture of the markup document according to device-aspect-ratio information corresponding to the markup document, the device-aspect-ratio information being data including information on an aspect ratio of a target display device intended to display the markup document in the interactive mode.

Hirose teaches gathering information which describes a device used to display visual information (terminal or device with screen) to provide the criteria needed for presenting a display of a markup document according to the capabilities of the device (see [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for gathering information about the attributes of a terminal which include the screen size,

aspect ratio and number of colors, which are used to determine the best markup picture to be sent for viewing on the device).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to reference information used to describe a device used to display markup information, as taught in Hirose, when providing a storage medium which contains markup information to add an interactive and personalized experience, as taught in Lamkin, because due to the use differing terminal devices such as PDAs, PCs, TVs or other types of devices with varying sizes used to receive and display markup documents, there is a need for outputting markup documents in a form adapted to the various attributes of each unique device (see [col. 1, ll. 1-16]).

Pearlman teaches conversion of a video stream or video file which requires modifying the scale and aspect ratio to conform to the hardware and software capabilities of the video display device (see [col. 6, ll. 30-42], [cols. 8-9, ll. 55-2]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform video data from a media stream according to an aspect ratio best suited for a video display device, as taught in Perlman, when having gather information on the aspect ratio of a display device, as taught in Hirose, because sometimes it’s necessary to rescale a video image in one or both dimensions in order to conform the video image optimally to a particular type of display device (see [cols. 8-9, ll. 55-2]).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin, in view of Hirose, Perlman, Hodgkinson, Nielsen and Markel, U.S. Pat. No. 7,162,697 B2, (hereinafter Markel).

Regarding claim 11: The combined teachings of Lamkin, in view of Hirose, Perlman, Hodgkinson and Nielsen teach wherein attributes are referenced using a tag (see Nielsen [col. 7, ll. 1-12] for referencing attributes such as aspect ratio information using a tag) but do not teach the method of claim 1, wherein the obtaining of the device-aspect-ratio information comprises reading information on an aspect ratio of a target display device intended to display the markup document and information on a resolution of the markup document, the information on the aspect ratio and the information on the resolution being written in the markup document using a property of a tag.

Markel teaches the inclusion of resolution information in a markup document (see [27], [abstract], [3], [6], for a canvas attribute which describes the resolution in pixels).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include resolution information, as taught in Markel, with the device-aspect-ratio information as taught in the combined teachings of Lamkin, in view of Hirose, Perlman, Hodgkinson and Nielsen, because providing the resolution information within the markup document will enable a presentation platform to be capable of determining what functions may be optimized or enhanced (see [22]).

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin, in view of Hirose, Perlman, Hodgkinson, Nielsen and Nishi U.S. Pat. No. 6,681,395 B1, (hereinafter Nishi).

Regarding claim 14: Lamkin discloses a method of processing a source markup picture of a markup document and a source audio video (AV) picture of an AV data in an interactive mode (see [col. 5, ll. 44-59], [col. 7, ll. 62-67] for providing enhanced video by using audio/video data and a markup document to enable a more interactive and personalized experience when playing the DVD-Video/Audio).

Nishi teaches prior art which obtains AV picture type selection information from the user and then uses that information to transform the display according to the selected aspect ratio (see [col. 1, ll. 48-56]) and in addition, the stated invention also makes a selection based upon receiving the AV picture type selection information which is according to the aspect ratio of a display screen (see [col. 6, ll. 1-24]) but Nishi however, does not teach the transformation of the AV picture.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to obtain and use information regarding the picture type selection information, as taught in Nishi, when providing a means of displaying video, as taught in Lamkin, because by knowing the type of information to be displayed and the type of display the information will be displayed on it is possible to provide a user with a visual display suited for the display screen (see [col. 6, ll. 1-24]).

Nielsen teaches determining whether aspect ratio information is included in the markup document and outputting the source markup picture as is in response to the aspect ratio information not being included in the markup document (see [col. 7, ll. 1-33] where if a markup document with a set dimension fits within the area available, the function ends and it is left as is) or according to the aspect ratio information, respectively, in response to the aspect ratio information being included in the markup document (see [col. 7, ll. 1-12] where the aspect ratio information is used to define the canvas area).

At the time the information was made, it would have been obvious to one of ordinary skill in the art to determine if information pertaining to the proper display of the markup document is within the markup document, as taught in Nielsen, when providing a means of processing a markup document to display information in an interactive mode, as taught in Lamkin, because it is important to maintain a page layout similar to that of the original (see [abstract]).

Hirose teaches obtaining information which describes a device used to display visual information (terminal or device with screen) to provide the criteria needed for obtaining a display of a markup document according to the capabilities of the device (see [cols. 3-4, ll. 20-3], [col. 12, ll. 7-26] for obtaining information about the attributes of a terminal which include the screen size,

device-aspect-ratio and number of colors, which are used to determine the best markup picture to be sent for viewing on the device).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to reference information used to describe a device used to display markup information, as taught in Hirose, when providing aspect ratio information within a markup document, as taught in Nielsen, because due to the use differing terminal devices such as PDAs, PCs, TVs or other types of devices with varying sizes used to receive and display markup documents, there is a need for outputting markup documents in a form adapted to the various attributes of each unique device (see [col. 1, ll. 1-16]).

Pearlman teaches conversion of a video stream or video file which requires modifying the scale and aspect ratio to conform to the hardware and software capabilities of the video display device (see [col. 6, ll. 30-42], [cols. 8-9, ll. 55-2]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to transform video data from a media stream according to an aspect ratio best suited for a video display device, as taught in Perlman, when having gather information on the aspect ratio of a display device, as taught in Hirose, because sometimes it’s necessary to rescale a video image in one or both dimensions in order to conform the video image optimally to a particular type of display device (see [cols. 8-9, ll. 55-2]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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J. Thomas

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